

of said second survey: *Provided*, no second survey shall be ordered until the party at whose instance it is made shall give bond for costs in case said second survey is not adopted: *Provided further*, that if the State furnishes to the counties engineering assistance and supervision of their road work, that all roads and amendments as provided for in this section shall be laid out by said engineer and two freeholders.

Proviso: bond for resurvey.

Proviso: engineering assistance from State.

SEC. 28. Whenever any road has been laid out and established in accordance with the preceding section, it shall be the duty of the board of county commissioners to appoint as many overseers as may be necessary, with a sufficient number of hands to construct and open said road on the grade; and it shall be the duty of said board to cause a copy of the order of appointment to be served on each overseer within twenty days after his appointment, and said order shall designate the boundary from which said hands shall be taken or embody the names of the hands liable to work on said road: *Provided further*, that no hand shall be required to work outside of, his own township, except on a bridge over a stream dividing one township from another or where he may be required to do so by special act of the Legislature, and in no case shall he be required to work on the new road more than four days of the six days in any one year as provided for in this act.

Appointment of overseers and allotment of hands.

Notice to overseer.

Proviso: hands to work in township of residence.

Limit of work on new roads.

SEC. 29. The board of supervisors of the township within ten days after the adjournment of the board shall, if convenient, serve each overseer with a copy of the order of his appointment, and if not convenient, or said overseer refuses to accept said appointment, the board shall within ten days deliver two copies of said order to the township constable or to the sheriff or his deputy, who shall serve each overseer with a copy of the order or leave the same at his usual place of habitation, and the other copy shall be returned to the next meeting of the board of supervisors with the date of reception by him and the date and manner of service indorsed thereon; and if either the board or constable or other officer shall willfully fail to perform any duty enjoined by this section, he shall be guilty of a misdemeanor.

Service of notice on overseers.

Failure in duty a misdemeanor.

SEC. 30. When an overseer shall not be able to personally notify the hands three days before the day appointed for working the road, he shall leave at the house of each hand a written summons, specifying the day and hour which they are required to attend, the place of the road to be worked, and the kind of tools to be brought or used, and the said written notice left as aforesaid shall be deemed sufficient notice to the hands required to be notified, and all penalties or fines recovered by an overseer for default in working on the road shall be applied by him to the repair of the road of which he is or may be overseer.

Warning left at residence.

SEC. 31. If any person be settled upon or is cultivating any land to which there is leading no public road, and it shall appear neces-

Petition for cart-ways.